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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,656	04/26/2000	Miyuki Enokida	862.C1901	9979

5514 7590 12/17/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 12/17/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/558,656

Applicant(s)

ENOKIDA ET AL.

Examiner

Baoquoc N To

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21,23-27,51,53-57 and 64 is/are pending in the application.
- 4a) Of the above claim(s) 1-20,22,28-50,52 and 58-63 is/are withdrawn from consideration canceled.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21,23-27,51,53-57 and 64 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 11/20/03 for a Request for Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 09/558656 is acceptable and a RCE has been established. An action on the RCE follows.
2. Claims 1-20, 22, 28-50, 52 and 58-63 are canceled and claims 21, 23, 51, 53 and 64 are amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21, 23-26, 51, 53-56 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (US. Patent No. 5,987,506).

Regarding on claims 21, 51 and 64, Carter teaches a data processing method comprising the steps of:

- (a) reading data files (file name) belonging to an indicated directory (complete path) (col. 36, lines 46-47);
- (b) extracting (extracting inode's address) meta-data from the data files read in said step (a) (col. 36, lines 49-51); and

(d) attaching (attach) the meta-data generating in said step (c) to directory data as meta-data corresponding to a file belonging to the directory (col. 36, lines 45-49).

Carter does not explicitly teach the step (c) generating meta-data for the directory by using a meta-data item having content which is common to all of the meta-data extracted in said step (b). However, Carter teaches creating meta-data (inode's address) following the extracting the address of file's inode step (col. 36, lines 45-50). This teaches the address is the common attributes for all the extracting files. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include the address of file's inode to provide the meta-data attributes as taught by Carter to allow all data in the same directory having the same meta-data classification.

Regarding on claims 23 and 53, Carter teaches in step (c), when there is no meta-data item having content which is common to all of the meta-data extracted in step (b), the meta-data for the directory is generated based on a meta-data item having content which is shared by the most meta-data extracted in said step (b) (col. 36, lines 45-50).

Regarding on claims 24 and 54, Carter teaches the step (e) generating a new directory, and recording therein data files to which are attached meta-data which includes meta-data items used in the meta-data for the directory generated in said step (c); wherein, in said step (d), the meta-data generated in said step (c) is attached to directory data corresponding to the new directory (col. 36, lines 45-50).

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Regarding on claims 25 and 55, Carter teaches the step of: (e) generating a new directory, and recording therein data files to which are attached meta-data which does not include meta-data items used in the meta-data for the directory generated in said step (c) (col. 36, lines 45-50).

Regarding on claims 26 and 56, Carter teaches the data file is an image data file (file), an audio data file, or a dynamic image data file (col. 6, lines 21-35).

4. Claims 27 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (US. Patent No. 5,987,506) in view of Van Maren et al. (US. Patent No. 5,579,516).

Regarding on claims 27 and 57, Carter teaches in said step (d), the meta-data generated in said step (c) (col. 36, lines 45-50) except for appended to the end of the directory data. However, Van Maren teaches, "in the embodiment of fully sequentializing the data and meta-data written to the optical disk surface, the data and meta-data are written to the disk surface such that the ICBs appear first, the directories appear next, and the data appears last. This is illustrated in FIG. 3." (col. 5, lines 43-47). This teaches that meta-data^{is} appending to the end of the directory. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the appending meta-data to the end of the directory in Van Maren to Carter in order to combine multiples files into one file for easy transferring.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

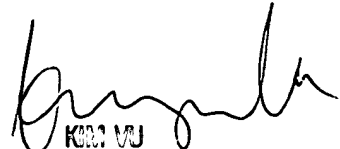
The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 746-7239 [Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

Baoquoc N. To
Dec 10, 2003


KIM YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100